

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

Dallas Division

UNITED STATES OF AMERICA

vs.

JOHN SIMMONS

§ Magistrate Docket No.: 3:08-MJ-368 (1)

§ Docket No. Where

§ Charge Pending: A-08-CR-337-LY (7)

§

§ Western District of Texas, Austin Division

WAIVER OF RULE 5 & 5.1 HEARINGS

I, JOHN SIMMONS, understand that in the Western District of Texas, Austin Division, charges are pending alleging violation of **Conspiracy to distribute a controlled substance, in violation of 21 USC 846, 841(a)(1) and 841(b)(1)(A); 18 USC 2** and that I have been arrested in this District and taken before a United States Magistrate Judge who informed me of the charge(s) and of my rights to:

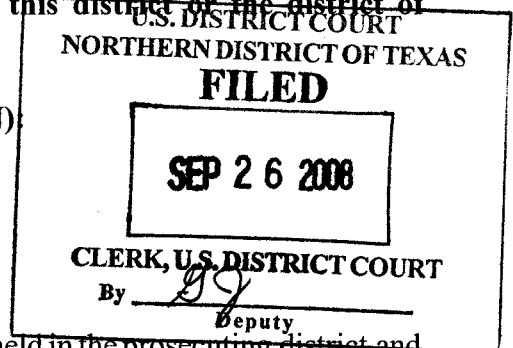
- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) request transfer of the proceedings to this district pursuant to Rule 20, Fed. R. Crim. P., in order to plead guilty;
- (3) an identity hearing to determine if I am the person named in the charge; and
- (4) a preliminary examination (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held either in this district or the district of prosecution.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

() identity hearing

() preliminary examination

☒ identity hearing but request a preliminary examination be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.



Defendant

Defense Counsel

Date